

Remarks/Arguments

Allowable Subject Matter

The Office Action indicates that claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

35 U.S.C. §102

Claims 1-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kessler et al. (U.S. Patent No. 6,373,526).

It is respectfully asserted that Kessler fails to disclose the step of:

“processing the closed caption data in accordance with the format of the closed caption data and with the selected priority for processing the format of the closed caption data”

as disclosed in currently amended claim 1.

Among the problems addressed by the present invention is that while some televisions provide a user with an option to select either digital or analog captioning for display, if the user selects analog captioning and no analog captioning is available, the television will not display any closed captioning. Furthermore, if the user selects digital captioning and no digital captioning is available, the television will not display any closed captioning. Currently, however, there is no manner of always displaying closed caption data for a digital television channel regardless of whether the closed caption data is in analog or digital form. (Specification, page 2, lines 11-21)

To address this problem, the present application discloses a method of processing a digital television signal comprising the steps of receiving a digital television signal having closed caption data, determining the format of the closed caption data, selecting a priority for processing the format of the closed caption data, processing the closed caption data in

accordance with the format of the closed caption data and with the selected priority for processing the format of the closed caption data, and providing a resulting television signal from the received digital television signal and the processed closed caption data that is suitable to show the processed closed caption data on a display.

Kessler teaches a closed caption decoder which “includes circuitry for processing closed caption according to the Electronic Industries Association EIA-708 and EIA-608 standards. The EIA-708 memory buffers (48) store caption data both for the EIA-708 and the EIA-608 standards. Therefore, the decoder memory requirements are reduced.” (Kessler Abstract)

While Kessler describes the use of analog and digital closed captioning, it does not disclose the use of a priority scheme to determine which of the captioning formats should be used. The mentions of “priority” in Kessler relate to priority of the window placement and appearance, not to the priority of captioning format. Thus, Kessler fails to disclose the step of “processing the closed caption data in accordance with the format of the closed caption data and with the selected priority for processing the format of the closed caption data” as disclosed in currently amended claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted there is no 35 USC 112 enabling disclosure provided by Kessler that makes the present invention as claimed in claim 1 unpatentable. It is further submitted that currently amended independent claims 5, 9, 13, and 14 are allowable for at least the same reasons that claim 14 is allowable. Since dependent claims 2-4, 6-8, 10-12, and 15-18 are dependent from allowable independent claims 1, 5, 9, and 14, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner’s rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to

contact the applicant's representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

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